IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1080 OF 2001
IN
SUIT NO.5281 OF 1998

Mrs. Bilquis Widow of Haffzuddin Kammaluddin Kazi. ..Plaintiff.

V/s.

Caprihans India Limited & Anr. ..Defendants.

Ms. Rohini M. Dandekar, Rashmi M. Vaity i/b Berarwala & Co. for plaintiff.

None for defendants.

CORAM: A.M.KHANWILKAR,J

DATE : MARCH 26, 2007.

P.C. :

1. Heard counsel for the plaintiff. None appears for the defendants though served. No reply has been filed to oppose this motion. From the order sheet it appears that this motion was made absolute in terms of prayer clause (a) and further directions were passed vide order dated 22nd January, 2003. That order however, was subsequently recalled on certain condition. That condition has been fulfilled by the defendants, but that being in deficit of Rs.2,50,000/- as has been computed by the defendants. However, once again when the motion is taken up for hearing today none appears for the defendants. No

reply has been filed to controvert the assertion made in the affidavit in support of the motion. Assertion in the affidavit in support of the motion and the averments in the plaint having remained uncontroverted, I have no hesitation in allowing this Notice of Motion in terms of prayer clause (a). Accordingly, Notice of Motion is made absolute in terms of prayer clause (a).